

REMARKS

This amendment is responsive to the non-Final Office Action of October 2, 2008. Reconsideration and allowance of claims 1, 4, 5, 8-13, and 18 are requested.

The Office Action

Claims 1-5, 11, 12, 14, 16, and 17 stand rejected under 35 U.S.C. § 102 over Epperson (US 6,279,172).

Claims 6-10, 13, and 15 stand rejected under 35 U.S.C. § 103 as being unpatentable over Epperson over Sundberg (US 5,655,227).

**The Claims Distinguish Patentably
Over the References of Record**

In **Epperson**, the brow pad **30** is formed by expanding an expandible foam **33** in an envelope **31**. The purpose of the brow pad is to distribute the weight evenly across a large surface area of the wearer's head (column 4, lines 7-9). Epperson uses a completely different system, one of adjustable straps **46a-46d** and **56a-56b** to fit the helmet to the wearer's head.

By contrast, **Sundberg** inserts a one-piece generally "T"-shaped piece of foam **1** into a hockey helmet **2**. More specifically, the "T"-shaped blank is heated, placed in its correct position on the helmet, and pressed forceably against the head of the wearer until it conforms to the shape of the wearer's head (see Sundberg, column 3, lines 26-44).

Thus, Epperson and Sundberg use two completely different and contradictory techniques for shaping their helmets to the wearer's head.

The **present application** takes yet another approach. None of the references of record disclose or fairly suggest an envelope of a generally "T"-shaped form. The envelope **31** of Epperson is for the brow pad **30**. The Epperson envelope is not "T"-shaped. Moreover, the envelope of Epperson does not include a supplementary padding element which is removably affixed to the envelope. Rather, the brow pad of Epperson is made of an expandible foam which expands within the envelope.

Sundberg does not cure these shortcomings of Epperson. Although Sundberg discloses a "T"-shaped blank, such blank is softened, positioned in the helmet, and molded directly to the wearer's head. It suggests no "T"-shaped envelope or other envelope. Moreover, Sundberg does not suggest removably attaching pads inside an envelope.

Rather than attaching removable pads inside a "T"-shaped envelope to fit the helmet to the wearer, Epperson and Sundberg each use different techniques. As set forth above, Epperson uses adjustable straps and Sundberg uses a deformable custom-molded foam. Neither suggests fitting a helmet to the wearer's head using supplementary padding elements which are removably fixed in a "T"-shaped envelope to adapt the helmet to the user's head.

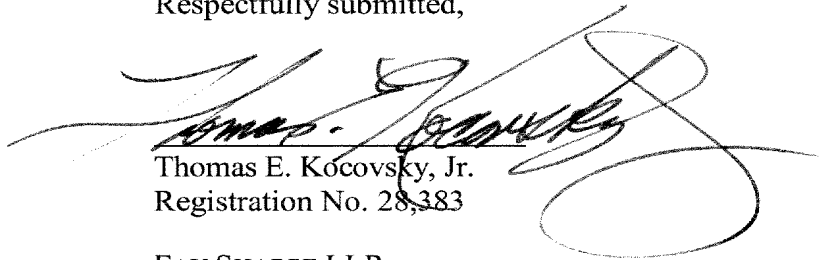
Accordingly, it is submitted that **claim 1, dependent claims 4, 5, and 8-13, and new claim 18** distinguish patentably and unobviously over the references of record.

CONCLUSION

For the reasons set forth above, it is submitted that claims 1, 4, 5, 8-13, and 18 now distinguish patentably and unobviously over the references of record and are otherwise in condition for allowance. An early allowance of these claims is requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case, the Examiner is requested to telephone Thomas Kocovsky at 216.363.9000.

Respectfully submitted,

A large, stylized handwritten signature in black ink, which appears to read "Thomas E. Kocovsky, Jr.", is written over the typed name and registration number.

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